

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WALTER HUGGINS, §
Plaintiff, §
v. § CIVIL ACTION NO. 4:06-CV-01283-SNL
FEDEX GROUND PACKAGE SYSTEM, INC., §
TETON TRANSPORTATION, INC., and §
SWANSTON EQUIPMENT COMPANY, §
Defendants. §

JOINT MOTION FOR STAY AND ENTRY OF FINAL JUDGMENT

TO THE HONORABLE JUDGE STEPHEN N. LIMBAUGH:

Plaintiff Walter Huggins and Defendant Swanston Equipment Company (“Swanston”) file this Joint Motion for Stay and Entry of Judgment pursuant to Rule 54(b), respectfully stating as follows:

1. Plaintiff filed this lawsuit for claims arising from a single vehicular collision.
2. By order dated April 16, 2008 (Doc. 105), the Court granted summary judgment for Defendant Teton Transportation, Inc. (“Teton”).
3. By order dated May 7, 2008 (Doc. 127), the Court granted summary judgment for Defendant FedEx Ground Package System, Inc. (“FedEx”).
4. To avoid the potential for multiple trials involving the same incident, and the potential for inconsistent jury verdicts involving the same incident, Plaintiff and Swanston hereby request that the Court enter an order pursuant to Rule 54(b) making the two above-referenced summary judgment orders final for appeal, and staying Plaintiff’s claims against

Swanston pending resolution of any appeal by Plaintiff of the summary judgment orders. A proposed Judgment is attached at Exhibit A.

Respectfully submitted,

/s/ Kelly J. Curnutt

Kelly J. Curnutt
CURNUTT & HAVER, L.L.P.
Texas Bar No. 00787316
101 East Park Row
Arlington, Texas 76010
Telephone - (817) 548-1000
Facsimile - (817) 548-1070
Email: kcurnutt@curnutthafer.com
Lead Counsel for Plaintiff

and

Michelle M. Funkenbusch
Funkenbusch Law Firm, L.L.C.
Missouri Bar No. 48603
10024 Office Centre, Ave., Ste. 203
St. Louis, MO 63128
Telephone - (314) 756-9108
Facsimile - (314) 471-2033
Email: mmf@molegaleagle.com
Local Counsel for Plaintiff

and

/s/ John G. Enright

John G. Enright
HAHN, ENRIGHT & HANSEN
701 Market Street, Suite 450
St. Louis, MO 63101
Telephone - (314) 588-2270
Facsimile - (314) 436-0546
Email: john.enright@zurichna.com
Counsel for Defendant Swanston Equipment Company